

OLYMPIC COAST NATIONAL MARINE SANCTUARY

Meeting Minutes

Sanctuary Advisory Council Meeting
March 28, 2008
Department of Natural Resources
Forks, Washington

Olympic Coast National Marine Sanctuary
NOAA, National Marine Sanctuary Program
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Reviewed by SAC Secretary

Reviewed by OCNMS Superintendent

Approved by SAC

Olympic Coast National Marine Sanctuary
March 28, 2008

Members Present:

Terrie Klinger, Research (Chair)
Katie Krueger, Quileute Tribe Alternate
Fan Tsao, Conservative Alternate
Teresa Scott, Wash. Dept. of Fish & Wildlife
Ellen Matheny, Education
Doug Fricke, Commercial Fishing Alternate
Kevin Ryan, US Fish & Wildlife
George Hart, U.S. Navy
Steve Copps, NOAA Fisheries
Meri Parker, Chamber of Commerce
Phil Johnson, Local Government Alternate
Al Hightower, Commercial Fishing
Bob Bohlman, Marine Industry
Brady Scott, Dept. of Natural Resources
Frank Holmes, Marine Industry Alternate
Rebecca Post, Wash Dept. of Ecology
alternate
Roy Morris, Citizen-at-Large Alternate

Staff

Carol Bernthal, Superintendent
Andy Palmer, Advisory Council Coordinator
George Galasso, Asst. Superintendent
Bill Douros, West Coast Regional Superintendent

Guests/Public Attendees:

Jennifer Hagen, Northwest Indian Fisheries
Commission
John Richmond, Private citizen
Jackie Brown Miller, Washington Oil Spill
Advisory Council

Welcome

Terrie Klinger called the meeting to order at 10:00 a.m.

Agenda/Meeting Minutes

Terrie Klinger asked for adoption of the agenda. Andy Palmer requested that some timing adjustments be made to several agenda items so that the management plan review briefing would start earlier than was currently indicated on the agenda. The agenda was approved with the suggested adjustments. The meeting minutes of the March 28th meeting were discussed. Teresa Scott said that she had some minor punctuation changes that she would submit later. With that, Rebecca Post moved that the minutes be adopted, seconded by Bob Bohlman. The minutes were adopted unanimously.

Internal Affairs

Carol Bernthal welcomed Meri Parker as the new member for the Tourism, Chamber of Commerce seat, Mike Gurling as the Tourism, Chamber of Commerce alternate, Roy Morris who

was appointed as the member for the Citizen-at-large, Bob Boekelheide as the Citizen-at-large alternate, Fan Tsao as the member for the Environmental seat, and Jody Kennedy as the Environmental seat alternate. Carol also recognized the contributions of the previous members who had represented these seats including Bob Morris, Diane Schostak, Michael Lennox, and Bill Arntz. Carol Bernthal administered the oath of office for all members and alternates who were present. Terrie Klinger began the discussion on the West Coast Regional case study to be presented at the annual Chairs/Coordinators meeting by reminding the members that they had previously indicated three preferences: alternative energy development in sanctuaries, lessons learned from the Cosco Busan oil spill and other related oil spill issues, and vessel traffic monitoring and routing. In response to questions by members, Terrie and Carol related that the Cosco Busan presentation would not focus on the causes of the spill itself, but what the sanctuary did in connection with the spill and how it impacted staff. In connection with alternative energy development, several of the California sanctuaries have alternative energy proposals in or near their sanctuary waters. It was suggested that the council postpone making a recommendation until after the presentation on the Cosco Busan oil spill.

Andy Palmer discussed the upcoming July 18th meeting. The executive committee has been discussing the type of meeting they would like it to be and are recommending that it be patterned on the meeting a couple of years ago in Neah Bay that had a abbreviated business portion followed by a trip out into the sanctuary. This year the Quileute have invited the advisory council to meet in La Push. Andy is working with the tribe to decide what would be a good activity for the members to take part in after the morning meeting. One option would be to try to get out on the water in a suitable boat. Katie Krueger said that she would explore the option of seeing if one of the non-tribal fishing boats would be available.

West Coast Regional Superintendent Report

Carol Bernthal introduced Bill Douros, the West Coast Regional Superintendent. Bill explained that the program director Dan Basta decided several years ago that in order to improve the bonds and communications among sanctuaries, it was the right time to develop a regional approach. As a result, the sanctuary program is divided into four regions, with the four California sanctuaries and the Olympic Coast NMS making up the West Coast Region. This arrangement helps the sanctuary system better connect with the three state governments and other agencies and groups working on a regional basis. It also helps the national program better communicate and work with the sanctuaries by creating a single point of contact for each region, allowing the site superintendents to spend more time focusing on the needs and demands of their individual sanctuaries. The regional office has a small staff dedicated to working with all the sites on the west coast. About \$300,000 of the annual budget for the regional office goes out to the individual sanctuaries to support projects such as the coastal observing systems (buoys), social economic studies and projects, and water quality projects. Over the last year there has been a lot of focus on coordination with the state of California to establishing a network of marine protected areas, especially in the Channel Island and the Monterey Bay sanctuaries. Bob Schwemmer is a

maritime heritage expert who is detailed part time at the region level. He has worked on shipwrecks all up and down the coast. In addition, a number of other initiatives include: coordinating habitat mapping of all the west coast sanctuaries, coordinating congressional visits to the sanctuaries; evaluation of the SR-x research vessel as a research platforms for sanctuaries, and, assisting with site management plan reviews. Steve Joner asked about the status of having another roundtable discussion at a PFMC meeting. Bill replied that this will be a topic at a regional level at the next Chairs/Coordinators meeting in May. In addition, there were discussions with NOAA Fisheries and the Sanctuary Program about funding some liaison positions for the PFMC and the sanctuaries. Katie Krueger pointed out that the map of the Olympic Coast National Marine Sanctuary as presented in the atlas that was distributed was inaccurate with respect to James Island. It shows James Island further offshore and includes it as part of the refuge system. James Island is part of the Quileute Reservation lands and not part of the Refuge and is situated at the mouth of the Quileute River. Carol Bernthal said that she would make sure that error was corrected in any future editions. Frank Holmes asked for clarification of the proposed boundary expansion for the Gulf of the Farallones NMS. Several questions were posed by members about the lessons learned by the other sanctuaries during management plan review. Bill responded that key was keeping a tight focus on the critical issues and not attempting to take on every good idea that came along. He also suggested that if regulations are called for, they should be done as part of the MPR process and not kicked to a later date and the importance of keeping to deadlines so that the process does not become bogged down.

Lessons learned from the Cosco Busan spill

Bill Douros gave a brief overview of the cargo vessel Cosco Busan oil spill in San Francisco Bay in November 2007. The vessel hit a cement bridge support and tore open fuel tanks, resulting in a spill of fuel oil estimated to be around 55,000 gallons. Most of oil stayed in the bay, but some amounts went out to sea with the normal tides and currents and ended up going both north and south along the coast. The deputy superintendent of the Gulf of the Farallones NMS and the superintendent of the Cordell Bank NMS were incorporated into the spill response team and the incident command center, but was not part of the unified command. A natural resource damage assessment team (NRDA) was set up at the Gulf of the Farallones office. All staff at the Gulf of the Farallones were involved with the spill for three or four weeks, with no other work being done. All the oiled birds and oil samples came to the office. The volunteer response was overwhelming. Many of the volunteers who had worked with the sanctuary had oil spill training that was required in order to go onto oiled beaches. Many were in a beach watchers program and were very familiar with the beaches. One of the lessons learned was that it was important to have a representative from the sanctuary on the NRDA team, since key decisions were being made daily about the response and the level of cleanup. One issue became clear was how hard should the sanctuary fight to be part of the unified command, where key decisions were being made daily. In addition, there were issues with how to get people with critical local knowledge involved in the response, issues relating to resource data and what was where, and staff training. Members asked about the level of involvement by advisory councils for the affected sanctuaries. They were not directly involved, but were kept informed. Currently the COASST volunteers in

the OCNMS are not trained in oil spills and there is a lack of funds to do so.

Public Comment

Jackie Brown Miller of the Washington State Oil Spill Advisory Council introduced herself and described the Council. She noted that one of the committees of the Council was looking at the issue of volunteers and how the state could improve the use of volunteers. The Council is also looking at towing practices and manning practices on tugs and barges. The Oil Spill Advisory Council also intends to participate in the sanctuary management plan review process.

West coast case study discussion continued

Terrie Klinger re-convened the meeting after lunch and continued the earlier discussion to determine the advisory council's preference for a case study to be presented at the annual Chairs/Coordinators meeting. Carol Bernthal reminded the council members that the case study is supposed to highlight the role of the advisory councils and actions they have already taken.. A number of members cited the fact that the advisory council has devoted a considerable amount of time on issues relating to oil spills over the years and that if the case study didn't focus only on the Cosco Busan incident, but also included some of the broader work that the west coast advisory councils have accomplished, then it made sense to use that as the case study. Terrie summarized by saying she gathered that the sense of the advisory committee was to recommend a case study of the Cosco Busan with the addition of noting the measures that councils have taken over the years on a range of oil spill issues.

Blue Seas, Green Communities Project Discussion

Steve Copps summarized the efforts of the Blue Seas, Green Communities initiative work group. The group met by conference call and did some brainstorming, coming up with a number of ideas for potential projects with local communities. The next step was to flesh out some of these ideas more fully, identify community partners, and try to determine whether they were doable with the amount of money available. As it turned out, budget cuts at the national program level ruled out any money for this project this year. As a result, the working group decided to put further development of the ideas on hold, at least temporarily, until such time in the future when money might become available. Steve noted that this was a worthwhile initiative and it generated some good initial ideas. Andy Palmer also felt it was a worthwhile effort even though the funding didn't materialize. He said that the initiative is on the agenda for the national Chairs/Coordinators meeting in May, so he hoped to have some additional information to share. He said he would carry back the message to the meeting that our advisory council thought the initiative was a good idea. Brady Scott noted some of the things that DNR is doing such as the creosote log clean-up on beaches and harbors including Neah Bay. It also is inventorying derelict vessels that need attention.

Finavera Wave Energy project workgroup report

Rebecca Post reported that workgroup came up with three areas that needed to be addressed:

monitoring, developing a standing cable committee, and creating a data warehouse. The workgroup developed a recommendation for each of these areas. The workgroup recommended **“that the SAC ask the OCNMS to work with multi-agency resource managers and tribes to develop monitoring plans and identify indicator species, possibly based on the results of the pre-construction monitoring.”** The second recommendation and not addressed in the FERC license, states **“that the Sanctuary condition its authorization to require Finavera to sponsor a committee consisting of trustees and stakeholders and use quarterly meetings to disseminate monitoring and maintenance data.”** Doug Fricke noted that they had set up a similar group in Oregon already and with some encouragement might do the same here. The third recommendation stated **“that Finavera make all monitoring data available to the public through some type of internet clearing house.”** Doug Fricke moved that the advisory council adopt these recommendations and it was seconded by Bob Bohlman. Carol Bernthal gave a brief summary of the status of the project and the license process. NOAA had originally received what is called 4(e) status under the licensing process and all the sanctuary terms and conditions were included in the license. Subsequently, in response to challenges, FERC reversed itself on the 4(e) status and included eight of the conditions under another part of the FERC license. As a result, this will likely complicate the way the sanctuary will seek to get its input in future permits, and might entail taking another look at the adequacy of the environmental assessment (EA). In addition, there are a number of documents that the sanctuary has sought and has not received from the company yet on the project, primarily because they haven’t generated them yet. Carol said that they would look at these recommendations as the permitting process proceeds and see whether each one can be made a part of the permit conditions or whether they would just strongly encourage that the company do these. **The advisory council voted unanimously with no abstentions to send these recommendations to the superintendent to use as appropriate in any further actions concerning this project.** In further discussions it was the sense of the advisory council that this workgroup stay together for the foreseeable future in case further developments on permits or other activities warrant consideration by the advisory council.

Management Plan Review update

George Galasso briefly reviewed what a sanctuary management plan is and what is involved in the management plan review process for the new members. Since the last advisory council meeting several actions have occurred. The sanctuary has gotten to go-ahead to proceed with the management plan review and will start this fall with scoping meetings. The Intergovernmental Policy Council (IPC) passed a similar resolution as the advisory council did last meeting asking that the condition report be completed before initiating the public scoping process. National Marine Fisheries Service (NMFS) has recommended OCNMS bring a draft of the condition report before the Pacific Fisheries Management Council for comment. The staff has been following up on the scoping recommendations adopted previously by the advisory council. Scoping meetings will run from September 29th to October 5th. The sanctuary will be sending out an initial draft of the condition report to advisory council members, the IPC, and to the experts who provided material. The report will be presented at the scientific and statistical committee of

PFMC April 8th and then go before the full council on April 10th. After incorporating these comments, the condition report will go out in June for peer review. Steve Copps reported that NMFS appreciated the effort that the sanctuary's staff was making to get PFMC input on the draft condition report. He also asked that at a future meeting we get a better idea of the advisory council role in the process. He also would like to have more information on how the advisory council and the IPC will interact and/or coordinate so that they don't end up working at cross purposes. He reiterated the importance of having the condition report available to the public prior to initiating the public scoping meetings. Council members talked about the length of the process and whether we can stay on a schedule. George said that while the schedule may slip, being focused on a manageable number of issues will help. If the process takes too long, then the plan can lose its relevancy before it's adopted. Katie Krueger noted that if they receive documents in a timely manner and there is openness in the process then things will go more smoothly. Terrie Klinger noted that the advisory council will not be meeting again before the comments are due back on the draft condition report. Therefore, members will need to comment on it individually to the sanctuary staff. Carol Bernthal emphasized that reviewers should read the questions carefully. The questions themselves have been set by headquarters, so comments on the quality of the questions won't be helpful. What is needed is feedback on the credibility and accuracy of the ratings and the report text.

The sanctuary annual operating plan and the advisory council annual operating plan

Carol Bernthal summarized the OCNMS annual operating plan (AOP). OCNMS received \$1.5 million this year for operations. The entire program received \$46.8 million for FY 2008. 18% of the OCNMS budget goes to the advisory council and the Intergovernmental Policy Council. 23% of the budget goes to research and monitoring, 20% for resource protection, and the rest for administration including staff, facilities and vessel operations. Management plan review will be a big part of the focus of OCNMS activities for the foreseeable future. The sanctuary will participate in two oil spill drills coming up this summer. It will continue the cooperative interpretive agreement with the Makah Tribe that it has been contributing to over the years. There will be teacher workshops with teachers on the coast as part of the Ocean Literacy project with the Seattle Aquarium. The Discovery Center will get a deep sea exhibit this year and there will be some signage on cultural resources at Lake Ozette. There is an ambitious research agenda this year with several research cruises as well as work done on the R/V Tatoosh, the fiber optic monitoring with an ROV, sea otter population survey and kelp surveys, and diver training and surveys of shipwreck sites on the SRV-x vessel. Carol took questions on the sea otter and kelp surveys and the level of effort on the ATBA monitoring.

Andy Palmer explained the advisory council AOP pointing out that the categories correspond to categories of activities used by OCNMS in their AOP. Items in the draft annual operating plan include: update of the advisory council website, endorsement of the annual coastal clean-up, management plan review scoping meetings, an update on the ATBA compliance, reporting on the results of oil spill drills, monitoring any new developments with the Navy DEIS on the U.S. Navy NW training complex proposal and threshold changes on acoustic impacts to marine

mammals, summarizing the research season, monitoring the Finavera wave energy project, cruise ship MOU compliance report, and a follow-up reporting on the Ocean Literacy project with the Seattle Aquarium. George Hart asked about whether the advisory council or the sanctuary were following the ongoing discussions about using hazing techniques to drive orcas away from oil spills, primarily in Puget Sound. No one else was aware of these discussions. **Bob Bohlman moved to adopt the advisory council AOP and Phil Johnson seconded the motion. The AOP was adopted unanimously with no abstentions.**

Annual Coastal Clean-up event

Carol Bernthal reported that Jan Klippert, the motivating force behind the previous seven coastal clean-ups, had recently passed away. Carol stated that the sanctuary received grant funds money over the past year to work on enhancing the coastal clean-up effort and resolving some of the problems, such as trash pickup from remote sites. As a result, a new partnership was created called the Washington Clean Coast Alliance that will coordinate future clean-up efforts from the mouth of the Columbia River to Sekiu. The main clean-up event will occur on April 26. There is a new website for volunteers to register and see a map of the targeted beaches. Last year over 800 volunteers showed up and collected over 23 tons of debris. In response to a question, Carol clarified that it is now a collaborative effort among several groups and agencies and that the OCNMS has taken on the role for education and outreach. Roy Morris added that there are plans for a wide variety of events including parades and barbeques in several communities to raise awareness. He also mentioned that OCNMS staffer Liam Antrim will be doing data sheets at some of the sites to collect information on the type of trash that is being collected. Roy Morris then moved to adopt a resolution of support for the 2008 Coastal Clean-up. George Hart seconded the motion. The motion was adopted unanimously with no abstentions and reads **“The Olympic Coast National Marine Sanctuary Advisory Council endorses the 2008 Washington Coastal Cleanup sponsored by the Washington Clean Coast Alliance. The advisory council wishes to acknowledge the tremendous contribution of Jan Klippert, who recently passed away, as the vital and sustaining force behind the coastal cleanup effort for many years and whose spirit will always infuse this project. The advisory council would also like to thank the hundreds of volunteers who will take part in this annual event and note their important contribution to a healthy marine ecosystem of the Olympic Coast National Marine Sanctuary.”** Carol suggested that we send a copy to Jan Klippert’s widow, Sharon Klippert.

Superintendent’s report

Carol Bernthal reported that she went back to Washington D.C. to give the annual briefing to our congressional delegation and said that everyone she talked to showed a high level of interest and support for the work the sanctuary was doing. They were impressed by the number of hours contributed by advisory council members.. They were also very interested in the reauthorization of the National Marine Sanctuaries Act. She noted that the state legislature did fund a year-round rescue tug at Neah Bay, something the advisory council has been supportive

of, although it came about at the expense of some other existing programs. Several members talked about what programs budgets were hit for the tug funding. Carol also wanted to thank Bill Douros for coming to the meeting and commended him for being a strong advocate for the west coast sanctuaries at the national level. Doug Fricke wanted to note that the early consultation of OCNMS with PFMC is a positive step forward, in contrast to some of the earlier issues that arose with sanctuaries in California, where the sanctuaries got out front of PFMC. Bill Douros said that much has been learned and there have been a number of success stories with California sanctuaries working through PFMC including a coast-wise krill fishing ban, addition of protection for the Davidson Seamount off Monterey, and bottom contact gear bans in other locations.

Public Comment

John Richmond, a coastal resident who grew up in the Hoh River valley and belongs to a local residents association, complimented the way the sanctuary has worked on issues in a transparent and inclusive manner. He expressed concern with some of the boundaries depicted on the sanctuary atlas, especially the park boundaries in the coastal strip. He said that communication links in some of the coastal areas is very limited to non-existent and in some areas it would take a few hours to hike back to a landline to report an accident like an oil spill. He would also like to be included on an e-mail list for the upcoming management plan review process. He also questioned whether some of the powers that go along with a designation of a sanctuary are necessary, beyond doing research and outreach. Carol expressed a willingness to come out and address the community. Bill Douros commented that he was very impressed with the way this advisory council conducts itself, the depth and variety of expertise and the willingness to hear each other's viewpoints. He said that bodes well for a successful management plan review process. He also noted that it was Carol's birthday today.

The next meeting will be held on May 30th at a location to be disclosed. Terrie Klinger asked Brady Scott to give a member presentation at the next meeting. The meeting was adjourned.